

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Angelo Mikale Breashears,

Case No. 21-cv-0712 (SRN/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Union Gospel Mission (UGMT) et al.,

Defendants.

In an order dated March 29, 2021, this Court ordered Plaintiff Angelo Mikale Breashears to show cause why the Court should not dismiss this action for lack of subject-matter jurisdiction. See Order to Show Cause 2, ECF No. 4. The order gave Breashears 20 days—that is, until April 18, 2021—to submit his response, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Breashears has not submitted any response to the Court's show-cause order. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See, e.g., *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: April 26, 2021

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).